

Department of Social and Health Services

DP Code/Title: PL-CQ Operational Cost for Off-Island LRA
Program Level - 030 Mental Health

Budget Period: 2003-05 Version: 11 2003-05 Agency Request Budget

Recommendation Summary Text:

The Special Commitment Center (SCC) request funds to operate a Secure Community Transition Facility (SCTF) for civilly committed sex offenders on court-ordered conditional release from the SCC's total confinement facility on McNeil Island. The facility will be located in a mainland community within the boundaries of one of the following counties: Clark, King, Kitsap, Snohomish, Spokane, or Thurston. When fully implemented, this program will support a maximum of 12 residents housed in two six-bedroom buildings on the same site. This request is for the first phase of the program, one building with six residents. A decision package for the second phase will be requested in a future budget cycle.

Fiscal Detail:

Operating Expenditures

	<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
Program 030			
001-1 General Fund - Basic Account-State	932,000	1,430,000	2,362,000
Total Cost	932,000	1,430,000	2,362,000

Staffing

	<u>FY 1</u>	<u>FY 2</u>	<u>Annual Avg</u>
Program 030 FTEs	12.7	23.9	18.3

Package Description:

SCC is operating under a federal court injunction, and a contempt order to provide civilly committed sex offenders with "constitutionally adequate mental health treatment." A key standard of constitutional mental health treatment is the opportunity for conditional release to a less restrictive alternative residential setting for residents who make progress in the treatment for their mental health issues and sexually deviant behaviors. Before ordering an individual's conditional release, the court must find that the release is in the person's best interest, and the community can be adequately protected.

Each civilly committed person has the right to an annual review by the court of commitment to determine readiness for conditional release. To make that determination, the court of commitment or its jury court must review reports, and testimony from expert witnesses on the individual's progress. Since many civilly committed residents do not have families who can provide support and supervision adequate for conditional release, the Federal Court has required the state to fulfill this obligation by providing residential facilities for this purpose. The lack of less restrictive alternative facilities (otherwise known as SCTFs) in mainland communities remains at the heart of the Federal Court injunction. The presiding judge's most recent order strongly emphasizes the need for the state to act promptly to site facilities in mainland communities. In response to the injunction, legislation was enacted in 2001 and 2002 that sets public safety and security standards for siting and operating SCTFs. Key program statutory requirements include:

Intensive staffing: RCW 71.09.300 requires SCTFs with six or fewer residents to maintain a staff ratio of one staff to one resident during the morning and afternoon hours and two staff to three residents during the night hours;

Close supervision and escorts: RCW 71.09.305 requires, unless otherwise ordered by the court, each resident to be accompanied by at least one trained and qualified staff or other court-authorized person, whenever the resident leaves the facility for any purpose. The escort must remain in close proximity of the resident for the duration of outing.

Intensive training for qualified staff: Staff and escorts working directly with SCTF residents must meet the qualifications of the state Residential Rehabilitation Counselor 2 classification or higher. Prior to working with residents, each staff person must be trained in sex offender issues, self-defense, and crisis de-escalation. Escorts must also be trained in self-defense techniques, and be knowledgeable of the offense pattern of the offender being escorted.

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Individual electronic monitoring: RCW 71.09.305 requires each SCTF resident to wear electronic monitoring device, unless otherwise ordered by the court.

The SCTF program provides a highly structured environment for the residents. They must continue intensive sex offender treatment with a qualified and court-appointed treatment provider. Each resident must comply with conditions imposed by the court of commitment, and work toward goals of an individual plan that addresses treatment for behavior changes, and training in living skills, such as home economics and money management, vocational, education, and social skills.

The SCC projects that the six residents will be admitted to the program according to the following schedule: one each in October 2003, February 2004, October 2004, February 2005, and June 2005.

Narrative Justification and Impact Statement

How contributes to strategic plan:

This decision package provides for the necessary services and staffing based on anticipated need for less restrictive alternative placements, and to provide a constitutionally adequate program that supports public safety. It supports the Balanced Scorecard goal of developing services that support public safety and meeting geographic, cultural, Tribal, and individual needs. In addition, the SCTF is key to the SCC's mission to provide programs to rehabilitate civilly committed sex offenders, so they can return to their families, and communities, and not re-offend.

Performance Measure Detail

Program: 030

**Goal: 15C Site Facilities Within Targeted Counties to Implement
SCTF Program**

Outcome Measures

		Incremental Changes	
		<u>FY 1</u>	<u>FY 2</u>
01C	Percent of Special Commitment Center residents participating in Phases 5 and 6 of the Treatment Program.	.6%	1.7%

Reason for change:

Under the Federal Court injunction, the Special Commitment Center must site and operate SCTFs in mainland communities. Without this component, the civil commitment program cannot meet constitutional standards.

Impact on clients and services:

In addition to fulfilling constitutional obligations, this program will provide an environment that protects the public. SCTF residents will have the opportunity to gain necessary life skills, which will demonstrate their trustworthiness, and ability to make a safe and successful transition to community living.

Impact on other state programs:

The structure and supervision provided by this program is key to reducing the risk of re-offense, and would have a concurrent affect on the Department of Corrections' criminal justice programs.

Relationship to capital budget:

This decision package is dependent upon a companion request in the capital budget to provide funds for facility construction and related expenses.

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Required changes to existing RCW, WAC, contract, or plan:

None

Alternatives explored by agency:

To maintain the long-term viability of the state's civil commitment program for sexually violent predators, the secure community transition facility program must be implemented. Since many of the civilly committed residents do not have families, nor the personal resources to provide placements that offer the necessary support and supervision required by state law and the courts of commitment, there is no feasible alternative to the proposal to site and operate residential facilities.

Budget impacts in future biennia:

Program costs will continue in future biennia. When the second phase of this program is implemented (additional six residents in the second building), costs will increase.

Distinction between one-time and ongoing costs:

One-time costs include start-up costs of staff training, household furnishings, vehicles, staff and office equipment. Ongoing costs include salary and benefits, treatment services, plant and maintenance costs, food services, administration, and support services.

Effects of non-funding:

The Federal Court injunction and the contempt of court ordered has been in effect several years. Findings of the Federal Court have made it clear that the state has an urgent need to site facilities. The on-going lack of mainland secure community transition facilities greatly increases the risk that the Federal Court may require payment of the defined contempt of court fines to benefit the plaintiffs. The Federal Court could also substantially increase the amount of the fine being accrued. Most importantly, it is clear that to meet constitutional requirements, the state must provide less restrictive alternative facility options. Not to do so raises the risk to the long-term viability of the civil commitment program as a whole.

Expenditure Calculations and Assumptions:

See attachment - SCC PL-CQ Operational Cost for Off-Island LRA.xls

<u>Object Detail</u>	<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
Program 030 Objects			
A Salaries And Wages	439,000	791,000	1,230,000
B Employee Benefits	117,000	212,000	329,000
E Goods And Services	351,000	362,000	713,000
N Grants, Benefits & Client Services	21,000	61,000	82,000
T Intra-Agency Reimbursements	4,000	4,000	8,000
Total Objects	932,000	1,430,000	2,362,000

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DSHS Source Code Detail

Program 030		<u>FY 1</u>	<u>FY 2</u>	<u>Total</u>
Fund 001-1, General Fund - Basic Account-State				
<u>Sources</u>	<u>Title</u>			
0011	General Fund State	932,000	1,430,000	2,362,000
<i>Total for Fund 001-1</i>		932,000	1,430,000	2,362,000
Total Program 030		932,000	1,430,000	2,362,000